S.B.CRIMINAL MISC.II BAIL APPLICATION NO.201/2007

Date : 11.01.2007

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. D.S. Beniwal for the applicant.
Mr. V.R. Mehta, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that the deceased and the applicant took some poisonous substance and the deceased died whereas the applicant escaped. He submits that from last three months, the applicant is in jail and no case under Section 306 IPC is made out against him.

On the other hand, learned Public Prosecutor submits that it is a case of Section 306 IPC and the applicant is a married person and he persuaded the deceased to live with him and ultimately finding that they will be defamed in the society took poisonous substance, therefore, instigation is

prima faice apparent.

I have considered the submission made before me.

Without expressing any opinion on the merit of the case while taking into consideration the overall facts and circumstances of the present case, I do not feel inclined to extend benefit of bail to the applicant. Accordingly, the bail application moved by the applicant under Section 439 Cr.P.C. stands rejected. However, the applicant shall be free to move regular bail application before the learned trial court after recording of material witnesses. The learned trial court is expected to expedite the trial.

(SATYA PRAKASH PATHAK), J.

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